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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,661

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Steven M. Casey

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Qwest Communications International Inc.
1801 California Street, # 900
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EXAMINER

TIMBLIN, ROBERT M

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,661	Applicant(s) CASEY ET AL.	
	Examiner ROBERT TIMBLIN	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16 and 26-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-16 and 26-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action corresponds to application 10/632,661 which was filed 8/01/2003.

Claims 10-16 and 26-34 have been examined and are pending prosecution.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/4/2011 has been entered.

Response to Amendment

In the reply filed 5/4/2011, Applicant has made no amendments and added claims 33-34. Accordingly, claims 10-16 and 26-34 remain pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-14, 16, 26-30, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman et al. ('Sherman' hereafter, U.S. Patent Application 2002/0051119) in view of Yuasa et al. ('Yuasa' hereafter, U.S. Patent Application 2002/0184457).

With respect to claim 10, Sherman teaches A method for utilizing content objects by a content access point within a customer's premises, wherein the method comprises:

creating, at the content access point (computer 20), a first list of available content objects and a respective format (fig. 2; e.g. "Movie") of each available content object (0014; e.g. "...the following screen may present available movie clips belonging to the selected category, as shown in FIG. 4." and "The video clips may be stored in any preferred format, including but not limited to the MPEG, AVI, Windows Media, QuickTime, or Real Video format." Thus, Sherman discloses a list of available movie-format clips (e.g. available content objects) and respective formats (e.g. a movie or video format such as those listed in paragraph 0014)

creating, at the content access point (computer 20), a guide indicating available content objects (fig. 4) accessing a first content object (0004, 0013; e.g. a user is able to retrieve and select a movie or film clip for modification) from a first content object entity (0013; e.g. the film/movie clip is retrieved from storage device 50) within the customer's premises (0012; e.g. the system 10 comprises a computer 20... the system may also be connected to a local area network; and 0031 wherein the system is implemented on a personal computer. Therein, the personal computer and/or local area network is

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interpreted to be located within the user, or customer's premises), wherein the first content object (0007; e.g. original movie clip) is in a first content format (0014; The video clips may be stored in any preferred format, including MPEG, AVI, Windows Media, QuickTime, or Real Video format) compatible with the first content object entity (storage 50) and wherein the first content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page (0007; e.g. a movie clip represents at least a video object);

abstracting the first content object to create a second content object in an abstract format (0007, wherein audio in the movie clip is replaced and 0013, wherein the original movie clip is taught as modified. Therein, modification of the movie clip is seen as abstracting and the modified movie clip is a second content object in an abstract format), wherein the abstract format is compatible with a plurality of content formats (0023 which lists content formats the movie clip can be saved as and thus are compatible);

distinguishing (0018 and 0020; e.g. the system saves the file as an encoded audio file) the second content object to create a third content object (0023 wherein the clip can be saved into or sent as file of a plurality of formats) wherein the third content object is in a second content format that is compatible with a second content object entity (0023; e.g. e-mail, a disc, tape, or cd) within the customer's premises (0012; e.g. the system 10 comprises a computer 20... the system may also be connected to a local area network; and 0031 wherein the system is implemented on a personal computer. Therein, the personal computer and/or local area network is interpreted to be located

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within the user, or customer's premises), wherein the third content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page (0023; e.g. the modified clip may be saved as a video file or distributed as an email to teach at least a video object and email object), and wherein the third content object is different from the first content format (0023 wherein the saved file is different than the original clip);

and providing the third content object to the second content object entity (0023; e.g. saving to a disc, tape, or cd).

Although Sherman teaches creating a list and guide of available content objects, Sherman does not appear to expressly teach creating, at the content access point, a second list of content object entities and one or more respective formats that each content object entity is capable of supporting and, for each particular available content object, one or more content object entities to which that particular content object can be directed, based at least in part on the first list and the second list, each of the one or more content object entities being a separate device that is capable of displaying that particular content object.

Yuasa, however, teaches creating, at the content access point (receiving apparatus 1100), a second list of content object entities (Figs. 4-5 and 21) and one or more respective formats (Fig. 4; e.g. content type 2003) that each content object entity (0089, and 0093; e.g. Yuasa discloses external devices which are also known as target storage in 0033) is capable of supporting (0033; e.g. associating a data format of a content and external devices that are capable of processing the content) and, for each

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particular available content object (Fig. 4 content), one or more content object entities to which that particular content object can be directed (Figs. 21, 23 and paragraphs 0160-0161 and 0169-0171 wherein a user can designate selected content and corresponding external device to store the content), based at least in part on the first list and the second list (Figs. 4-5 and 0161), each of the one or more content object entities (see devices in Fig. 5) being a separate device that is capable of displaying that particular content object (0089 wherein the external device reproduces the content) for selecting devices to display content.

Accordingly, in the same field of endeavor, (i.e. storing and making content available to users), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because by adding the list of content object entities to the guide of Sherman, a user would have the benefit to easily identify and select where to distribute, record, or save a created movie clip (as needed by Sherman, paragraph 0023) so that it can be presented. Thus, the teachings of Yuasa would have further provided an user-friendly system to enable a user to direct content to an appropriate device (Sherman discloses such a need in 0019 wherein multiple display devices are available for a user to choose from).

With respect to claim 11, Sherman teaches the method of claim 10, wherein the method further comprises:

accessing a fourth content object from a third content object entity (0032; e.g. a movie clip from a service provider) wherein the fourth content object is in a third content format compatible with the third content object entity (e.g. the clip is stored at a service provider and thus is seen as compatible), wherein the fourth content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an internet web page, and wherein the fourth content object is different from the first content format and the second content format (0032; e.g. the accessed movie clip teaches at least a video object);

abstracting the fourth content object to create a fifth content object (0007 and 0027, wherein audio in the movie clip is replaced and 0013, wherein the original movie clip is taught as modified. Therein, modification of the movie clip is seen as abstracting and the modified movie clip is a second content object in an abstract format); and

combining the fifth content object with the second content object (0007; e.g. the dubbing of a voice in a selected movie clip and 0023; e.g. inserting photographs into the video), wherein the combination of the second and fifth content objects are distinguished to create the third content object (0023 wherein the saved file is different than the original clip).

With respect to claim 12, Sherman teaches the method of claim 11, wherein the first content object is a video object (0007; e.g. movie clip), and wherein the fourth content object is an audio object (0032; e.g., audio file).

With respect to claim 13, Sherman teaches the method of claim 12, wherein abstracting the first content object includes separating an audio portion from a video portion of the video object (0007; e.g. replacing a voice which would require separating a voice portion from the movie clip).

With respect to claim 14, Sherman teaches the method of claim 11, wherein the first content object is a video object (0007; e.g. movie clip), and wherein the fourth content object is an Internet object (0032; e.g. a movie clip purchased from an Internet web site).

With respect to claim 16, Sherman teaches the method of claim 10, wherein the first content object is a video object (0007; e.g. movie clip), wherein abstracting the first content object includes removing a visual portion of the video object (0024; e.g. segmenting out a background scene), and wherein the second content object includes an audio portion of the video object (0027; e.g. the remaining soundtrack).

With respect to claim 26, Sherman teaches the method of claim 11, wherein the first content object entity is selected from a group consisting of an appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream Source, a human interface, the Internet, and an interactive content entity (0012 wherein storage 50 can be a source for movie clips, 0012 wherein CD-ROMS/DVDs can be

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sources, and further 0024 a pre-recorded video source and camera. Therein the storages and camera at least teach a storage medium and a/v stream source).

With respect to claim 27, the method of claim 26, wherein the second content object entity is selected from a group consisting of an appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream source, a human interface, the Internet and an interactive content entity (0023; e.g. saving to a disc, tape, or cd teaches at least a storage medium).

With respect to claim 28, Sherman teaches the method of claim 27, wherein the first content object entity is different from the second content object entity (0012 and 0023; e.g. a hard drive and removable storage devices are different).

With respect to claim 29, Sherman teaches the method of claim 27, wherein the third content object entity is selected from a group consisting of all appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream source, a human interface, the Internet, and an interactive content entity (0032 wherein the service provider teaches at least a storage medium and the Internet).

With respect to claim 30, Sherman teaches the method of claim 29, wherein the first content object entity is different from the second content object entity and the third content object entity (0012, 0023, and 0032 wherein a hard drive is different from a removable storage device and service provider (e.g. seen as a server)).

With respect to claim 34, Yuasa in view of Sherman further teaches, the method of claim 10, wherein the content object access point is incorporated within a premises network interface device ("NID") (Yuasa, 0095 which teaches receiving apparatus as a set-top box¹).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman and Yuasa and further in view of Sim et al. ('Sim' hereafter, U.S. Patent 7,272,613).

With respect to claim 15, Sherman does not expressly teach the method of claim 10, wherein the method further comprises: identifying a content object associated with one of the first plurality of content object entities that has expired: and removing the identified content object.

¹ It is noted that Applicants "NID" is supported by the present specification, paragraph 0023. Paragraph 0023 relies upon application 10/377,282 (herein '282) to further explain such NIDs. Paragraph 0030 of 282 specifies an NID as a set-top box.

Sim, however, teaches identifying a content object associated with one of the first plurality of content object entities that has expired: and removing the identified content object (col. 54, lines 45-47 and col. 55, line 59 step 'e') for deleting an expired file.

Accordingly, in the same field of endeavor, (i.e. file processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Sim would have given Sherman and Yuasa the ability to control and manage purchased files for the benefit of protecting intellectual properties (needed by Sherman, 0032). Further, the System of Sim would have provided a way to efficiently use storage space by deleting invalid files.

Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman and Yuasa and further in view of Detlef (U.S. Patent 6,351,523).

With respect to claim 31, Sherman is not seen to expressly teach the method of claim 10, wherein the first content object comprises a voicemail and the third content object comprises an email.

Detlef, however, teaches wherein the first content object comprises a voicemail and the third content object comprises an email (col. 3 lines 1-19) for providing voicemail and email objects for communication.

Accordingly, in the same field of endeavor, (i.e. modification of files), it would have been obvious to one of ordinary skill in the data processing art at the time of the

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present invention to combine the teachings of the cited references because the system of Detlef would have given the combination of Sherman and Yuasa broader capabilities for the benefit of a more versatile system. Further, Sherman discloses the need for enhancing an email system in paragraph 0009.

With respect to claim 32, Sherman is not seen to expressly teach the method of claim 10, wherein the first content object comprises an email and the third content object comprises a voicemail.

Detlef, however, teaches wherein the first content object comprises a voicemail and the third content object comprises an email (col. 3 lines 1-19) for providing voicemail and email objects for communication.

Accordingly, in the same field of endeavor, (i.e. modification of files), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the system of Detlef would have given the computer of Sherman broader capabilities for the benefit of a more versatile system. Further, Sherman discloses the need for enhancing an email system in paragraph 0009.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman and Yuasa and further in view Abburi et al. ('Abburi hereafter, U.S. Patent 7,203,966).

With respect to claim 33, Sherman and Yuasa do not appear to teach the method of claim 10, further comprising:

limiting access to the first and second content objects to conform with terms of a license to the first content object.

Abburi, however, provides limiting access to the first and second content objects to conform with terms of a license to the first content object (col. 67 lines 1-24) for providing digital rights management.

Accordingly, in the same field of endeavor, (i.e. content processing and distribution), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because by using the DRM of Elabbady, the combination of Sherman and Yuasa would have been given the benefit of user control and data security over the content objects. Sherman discloses such a need in whereas in 0036 0038 distribution of content is discussed.

Response to Arguments

Applicant's arguments filed 5/4/2011 on pages 6-8 have been fully considered but they are not persuasive.

On page 7 of the remarks, Applicant specifically argues that Sherman does not express any need to allow a user to direct content to an appropriate device.

Examiner respectfully disagrees for the motivation given above in the rejection to claim 10. Further explained, Examiner respectfully disagrees because in Sherman, a

user is given a plurality of display devices (see Fig. 1 and paragraph 0019) in which a user can choose from. As noted above in the rejection to claim 10, Sherman does not appear to disclose a second list as taught by Yuasa which provides a user with the ability to select an external device to display content. As such, Sherman is interpreted to need the system of Yuasa because a user of Sherman must choose which content device to effect playback.

Accordingly, Sherman discloses a need of Yuasa's teachings and thus the combination of references cited is maintained to teach the claimed invention.

Applicant additionally argues on page 7 that the techniques disclosed by Yuasa would find no utility in Sherman's system because Sherman does not disclose multiple playback devices. Examiner respectfully disagrees and submits that Sherman does, in fact, disclose multiple playback devices. As noted above, and acknowledged by Applicant (remarks, page 7) Sherman teaches a computer monitor 40 or an optional TV set 42. Furthermore, Yuasa explicitly teaches that the external device that can be selected by a user to display content may comprise a PC and TV (see Yuasa, 0086).

Thus, in light of the foregoing, Applicant's remarks are respectfully found unpersuasive.

With respect to new claims 33 and 34, Arguments thereto have been considered but found moot in view of the new grounds of rejection.

It will be noted, with respect to claim 34, that Sherman may be construed to teach a "network interface device" because Sherman teaches a computer that

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interfaces with a network (see 0012, for example). However as supported by Applicant's disclosure, Yuasa is relied upon for this feature for more expressly teaching this element.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 7,136,945 issued to Gibbs et al. The subject matter disclosed therein pertains to the pending claims (i.e. licensing for content).

U.S. Patent 7,483,958 issued to Elabbady et al. The subject matter disclosed therein pertains to the pending claims (i.e. digital rights management for content).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-Th 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/

Primary Examiner, Art Unit 2167